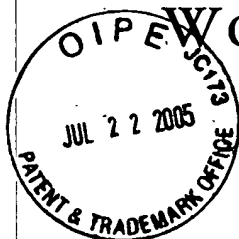


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PATENT APPLICATION

Docket No: 13447.41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Daniel F. Justin et al.

Serial No.:

10/750,615

Filed:

December 30, 2003

Confirmation No.:

8943

For:

TIBIAL CONDYLAR HEMIPLASTY TISSUE PREPARATIONS INSTRUMENTS AND METHODS

TRANSMITTAL FOR SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is a Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☒ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 13 references submitted for consideration.
- ☒ A copy of 7 Non-US references listed on the Form PTO-1449.
- ☐ English translations of ____ (____) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Supplemental Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Check No. _____ in the amount of \$____ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

- ____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ____ Petition to Withdraw from Issue; and
- ____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 20th day of July 2005.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

Form PTO-1449

Applicant: Daniel F. Justin et al

Serial No.: 10/750,615

Filing Date: December 30, 2003

For: TIBIAL CONDYLAR KEMIPLOSTY TISSUE PREPARATIONS INSTRUMENTS AND METHODS



Sheet 1 of 2

Confirmation No.: 8943

Att'y Docket No.: 13447.41

Art Unit: 3731

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Issue Date</u> | <u>Name</u> |
|------------------------------|----------------------------|-----------------------|------------------|
| _____ 1 | 4,657,549 | 04/14/1987 | Keller |
| _____ 2 | 5,282,868 | 02/01/1994 | Bahler |
| _____ 3 | 5,702,397 | 12/30/1997 | Goble et al. |
| _____ 4 | 6,162,234 | 12/19/2000 | Freedland et al. |
| _____ 5 | 6,652,587 B2 | 11/25/2003 | Felt et al. |
| _____ 6 | 2005/0137708 A1 | 06/23/2005 | Clark |

Foreign Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Publication Date</u> | <u>Country or Patent Office</u> | <u>Translation</u> |
|------------------------------|----------------------------|-----------------------------|-------------------------------------|--------------------|
| _____ 7 | 0 850 606 A2 | 07/01/1998 | EP | N/A |
| _____ 8 | 2 718 953 | 10/27/1995 | France | No |
| _____ 9 | WO 89/11837 | 12/14/1989 | PCT | N/A |
| _____ 10 | WO 91/06260 | 05/16/1991 | PCT | N/A |
| _____ 11 | WO 01/28457 A1 | 04/26/2001 | PCT | N/A |
| _____ 12 | WO 03/099159 A2 | 12/04/2003 | PCT | N/A |
| _____ 13 | 2 007 980 A | 05/31/1979 | United Kingdom | N/A |

Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Applicant: Daniel F. Justin et al.

Serial No.: 10/750,615

Filing Date: December 30, 2003

For: TIBIAL CONDYLAR HEMIPLASIS TISSUE PREPARATIONS INSTRUMENTS AND METHODS



Sheet 2 of 2

Confirmation No.: 8943

Att'y Docket No.: 13447.41

Art Unit: 3731

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



PATENT APPLICATION
Docket No: 13447.41

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
 Daniel F. Justin et al.)
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 Serial No.: 10/750,615) Art Unit
) 3731
 Filed: December 30, 2003)
)
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)
 For: TIBIAL CONDYLAR HEMIPLASTY TISSUE)
 PREPARATIONS INSTRUMENTS AND METHODS)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 29th day of July 2005.

- Transmittal for Supplemental Information Disclosure Statement (3 pages)
- Supplemental Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 13 references (2 pages)
- A copy of 7 Non-US references list on the Form PTO-1449
- Postcard

Respectfully submitted,

DANA L. TANGREN
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